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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,409	04/12/2000	Gregory M. Finn	FINN-002	5799

7590 04/15/2003

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,409

Applicant(s)

FINN ET AL.

Examiner

Clement B Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 32403 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 32403 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fernholz. (U.S. Patent No.5, 819, 238).

As per claim 1, Fernholz disclose an investment system comprising: at least one investor; at least one financial market; and an investment vehicle, the investment vehicle enabling the at least one investor to selectively buy and sell interests in each of a plurality of different individual securities traded on the at least one financial market; wherein, for each of the plurality of individual securities, interests in the security which are bought or sold by the at least one investor can correspond to a selected fractionalized market unit of the security, wherein the investment vehicle enables the investors to organizing holdings in the corresponding accounts into one or more groups.(See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65). Fernholz also disclose wherein for each account, the corresponding investor can specify an allocation factor for each security and for each group included in the account, the allocation factor for a group specifying a percentage of a total amount to be used to purchase interests in securities for the account in which the group is located, and the allocation factor for a security specifying

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a percentage of a total amount to be to be used to purchase interests in securities for the group in which the security is located, or if the security is not in a group, a percentage of the total amount to be used to purchase interests in securities for the account in which the security is located.(See column 17 lines 45-65 and column 18 lines 5-65 and column 1 lines 50-65)

As per claim 2, 8-12 Fernholz disclose an investment vehicle for enabling a plurality of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:
a plurality of accounts through which the plurality of investors can buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors;
wherein, for each of the plurality of individual securities, interests in the security which are bought or sold by the at least one investor can correspond to a selected fractionalized market unit of the security, wherein the investment vehicle enables the investors to organizing holdings in the corresponding accounts into one or more groups.
(See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65). Fernholz also disclose wherein for each account, the corresponding investor can specify an allocation factor for each security and for each group included in the account, the allocation factor for a group specifying a percentage of a total amount to be used to purchase interests in securities for the account in which the group is located, and the allocation factor for a security specifying a percentage of a total amount to be to be used to purchase interests in securities for the group in which

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the security is located, or if the security is not in a group, a percentage of the total amount to be used to purchase interests in securities for the account in which the security is located. (See column 17 lines 45-65 and column 18 lines 5-65 and column 1 lines 50-65).

As per claim 3, 13-16, Fernholz disclose an investment vehicle for enabling a plurality of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:
a plurality of accounts through which the plurality of investors can transmit orders to buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors; wherein each of the investors is charged a fixed commission for each order that is accepted and acted upon by the investment vehicle on behalf of the investor. (See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65). Fernholz also disclose the commission being determined irrespective of the number of different securities that are involved with the order, the number of shares of each security involved in the order, the value of the investor's portfolio, and the fact that the order may include requests to both buy and sell interests in securities, and wherein each of the securities involved in the order is allocated a percentage of the commission charged, the percentage being derived by dividing the value of the interest of each security purchased or sold by the total value of the interests of all the securities purchased or sold. (See column 19-20 lines 5-65 and column 20-21 lines 5-56).

As per claim 4, 17-19, Fernholz disclose an investment vehicle for enabling a plurality

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of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:

a plurality of accounts through which the plurality of investors can buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors; wherein the investment vehicle enables the investors to organizing holdings in the corresponding accounts into one or more groups and subgroups. (See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65). Fernholz also disclose wherein for each account, the corresponding investor can specify an allocation factor for each security, for each group and for each sub-group included in the account, the allocation factor for a group specifying a percentage of a total amount to be used to purchase interests in securities for the account in which the group is located, the allocation factor for a sub-group specifying a percentage of a total amount to be used to purchase interests in securities for the group in which the sub-group is located, and the allocation factor for a security specifying a percentage of a total amount to be to be used to purchase interests in securities for the group or sub-group in which the security is located, or if the security is not in a group or sub-group, a percentage of the total amount to be used to purchase interests in securities for the account in which the security is located. (See column 17 lines 45-65 and column 18 lines 5-65 and column 1 lines 50-55).

As per claim 5, 20, Fernholz disclose an investment vehicle for enabling a plurality of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:

a plurality of accounts through which the plurality of investors can buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors; wherein for each account, the corresponding investor or investors can organizing holdings in the account in a hierarchical nature, and wherein the investor is provided with a visual representation of the account showing the hierarchical nature. (See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65).

As per claim 6, Fernholz disclose an investment vehicle for enabling a plurality of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:

a plurality of accounts through which the plurality of investors can transmit orders to buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors. (See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-65).

Fernholz also disclose wherein each of the investors can specify for holdings in a corresponding one of the accounts percentages of the total value of the account to which the values of the holdings should correspond, and wherein the investment vehicle reviews the investor's account and compares the holdings in the account with the specified percentages, and upon finding a discrepancy between the actual holdings and the specified percentages, which discrepancy is above a level set by the investor, notifies the investor of the discrepancy. (See column 17 lines 45-65 and column 18 lines 5-65 and column 1 lines 50-65).

As per claim 7, Fernholz disclose an investment vehicle for enabling a plurality of investors to selectively buy and sell interests in each of a plurality of different individual securities traded on at least one financial market, comprising:
a plurality of accounts through which the plurality of investors can transmit orders to buy and sell the interests in the plurality of securities, each of the accounts corresponding to at least one of the plurality of investors;
wherein each of the orders can include one or more limit requests, and wherein each of the one or more limit requests can apply to a plurality of securities included in the order.
(See column 7 lines 15-30 and column 9-12 lines 5-65 and column 20 lines 50-60 and column 35 and 36 lines 5-60).

Conclusion

3 The prior art of record and not relied upon is considered pertinent to

Applicants disclosure.

Keiser et al (US 6,505,174 Patent) teaches computer implemented securities trading system with a virtual specialist function.

Anderson (US Patent 6,064,985) teaches automated portfolio management system with internet datafeed.

Atkins (US Patent 5,884,285) teaches system for managing financial accounts by reallocating funds among accounts.

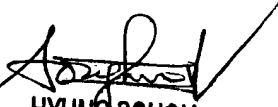
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG
March 23, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 0000